

60042

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

17 AUGUST 2007

Refer to: P/N #~~2007~~2007-01830-2IG-P

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

ASHLEY II OF CHARLESTON, LLC
C/O ROSS NELSON
TIDEWATER ENVIRONMENTAL SERVICES, INC.
POST OFFICE BOX 865
JOHN'S ISLAND, SOUTH CAROLINA 29457-0865

for a permit to construct a public fixed pier in the

ASHLEY RIVER

at a location, the Ashley River Center, at 2750 Speissegger Drive, in the City of North Charleston, Charleston County, South Carolina. (Latitude -79.971767° - Longitude 32.837941°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, SEPTEMBER 17, 2007

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing a fixed 20' x 88' fixed timber pierhead attached to high land by an 8' x 613' fixed timber pier with railings. The proposed pierhead will consist of a 20' x 40' covered area and a 20' x 48' open deck on the upstream side of the covered area. It is understood that this work will be conducted on/or adjacent to an area subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a Congressionally authorized project for the maintenance and improvement of the Ashley River Federal channel. Should a permit be issued, appropriate provisions will be included to ensure the interests of the Federal Government are understood. The applicant has stated that the upland areas adjacent to the proposed dock are proposed to be deeded to the City of North Charleston as a public park and that ownership of the proposed dock will eventually be turned over to the City of North Charleston. The purpose of the proposed work is for the recreational use of the public.

17 AUGUST 2007

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project should not impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

REGULATORY DIVISION

17 AUGUST 2007

Refer to: P/N #SAC-2007-01830-2IG

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

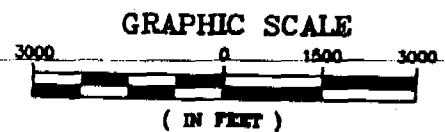
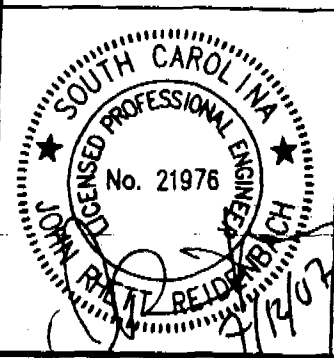
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Mary Hope Glenn at 843-329-8044 or toll free at 1-866-329-8187.

Steve Brooks
Project Manager
SCDHEC-OCRM

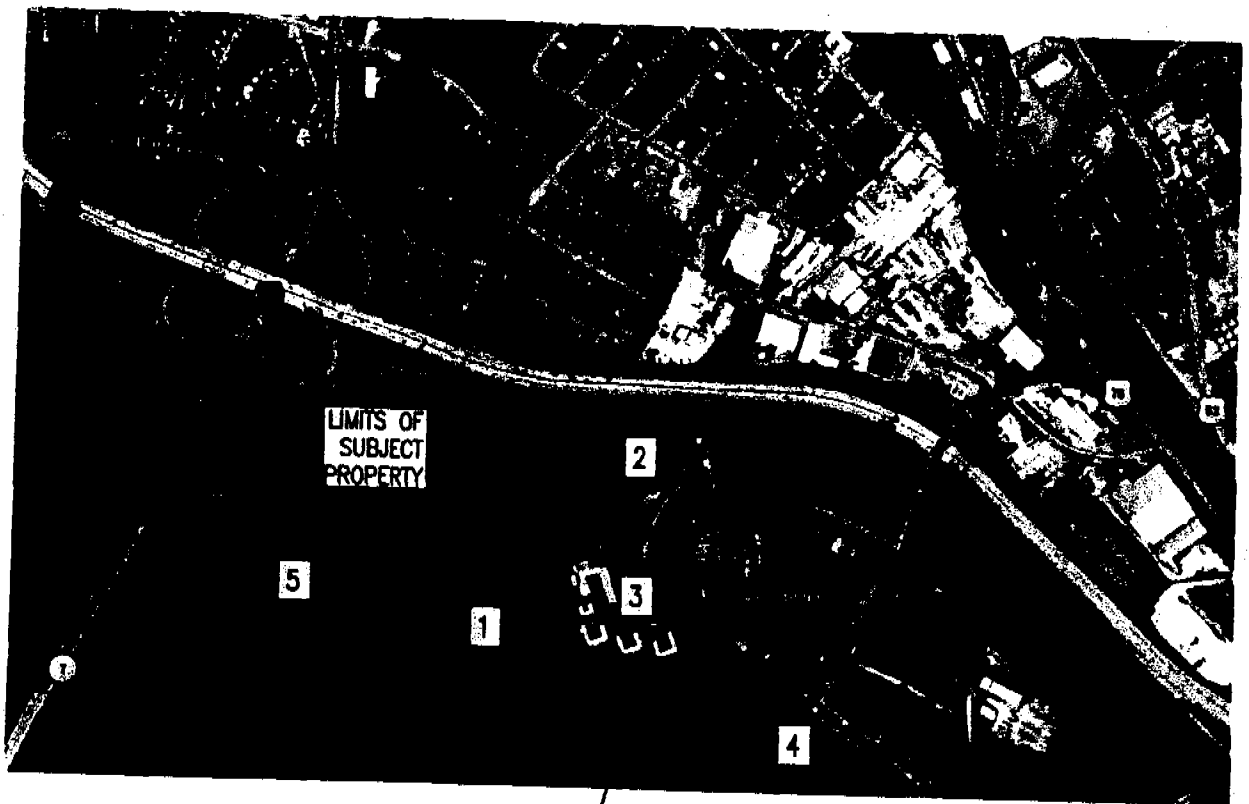
EFIS ID: 60062



SAC 2007-01830-2 IG

| | | | |
|--|--|--|-------------------------|
| DAVIS Engineering FLOYD Architecture Environmental & Laboratory Services <small>CHARLESTON • CHARLESTON • COLUMBIA</small> <small>SOUTH CAROLINA</small> <small>P.O. BOX 61600 CHARLESTON, SC 29416-1000</small> <small>843-554-8000</small> | OFFICE UNIT MAGNOLIA DEVELOPMENT, LLC | TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS | PROJECT NO. 31213.00 |
| | LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC | DATE JULY 2007 | DRAWN JDT/ALP |
| | DRAWING TITLE PROJECT LOCATION MAP | CHECKED PAF | SHEET NO. |

Sheet 1 of 10



PROPOSED
PROJECT

DIRECTIONS TO SITE
(AS SHOWN BY ARROWS IN ABOVE IMAGE)

FROM NORTH:

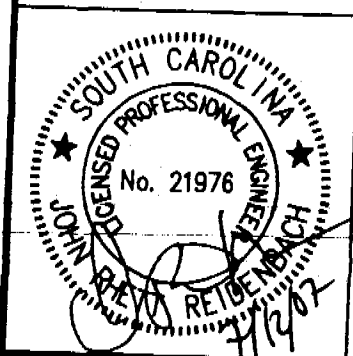
- I-26 EAST TO COSGROVE EXIT (ROUTE 7)
- ROUTE 7 NORTH TO AZALEA DRIVE
- AZALEA DRIVE EAST TO BAKER HOSPITAL BLVD
- BAKER HOSPITAL BLVD. SOUTH TO EVATT LN.

SUBJECT PROPERTY

- 1) TMS 469-00-00-012; TRACT "A-1"
OWNER: ASHLEY II OF CHARLESTON, LLC

ADJACENT PROPERTIES

- 2) TMS 469-00-00-011; PARCEL 3/TRACT "A-3"
OWNER: ASHLEY II OF CHARLESTON, LLC
- 3) TMS 469-00-00-009; TRACT "A-2"
OWNER: PALMETTO LOWCOUNTRY BEHAVIORAL HEALTH, LLC
- 4) TMS 469-00-00-018
OWNER: OSPREY PLACE APARTMENTS LIMITED PARTNERSHIP
- 5) TMS 469-00-00-004
OWNER: J.C. LONG



GRAPHIC SCALE

1000 0 500 1000

(IN FEET)

DAVIS Engineering
FLOYD Architecture
Environmental & Laboratory Services
CHARLESTON • CHARLESTON • CHARLESTON
SOUTH CAROLINA

APPLICANT
MAGNOLIA DEVELOPMENT, LLC

LOCATION
SPEISSEGER DR., CHARLESTON COUNTY, SC

DRAWING TITLE
PROJECT LOCATION MAP

TITLE
ASHLEY RIVER CENTER
PROPOSED COMMUNITY DOCKS

PROJECT NO.
31213.00

DATE
JULY 2007
DRAWN
PAF

CHECKED
JDT/ALP
JRR

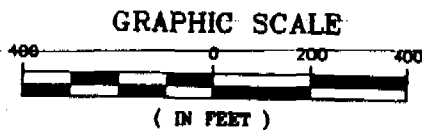
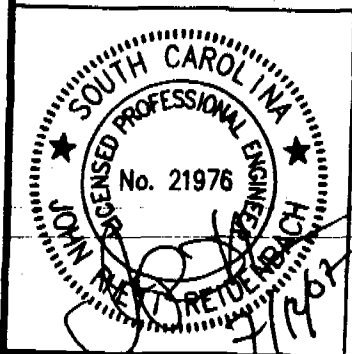
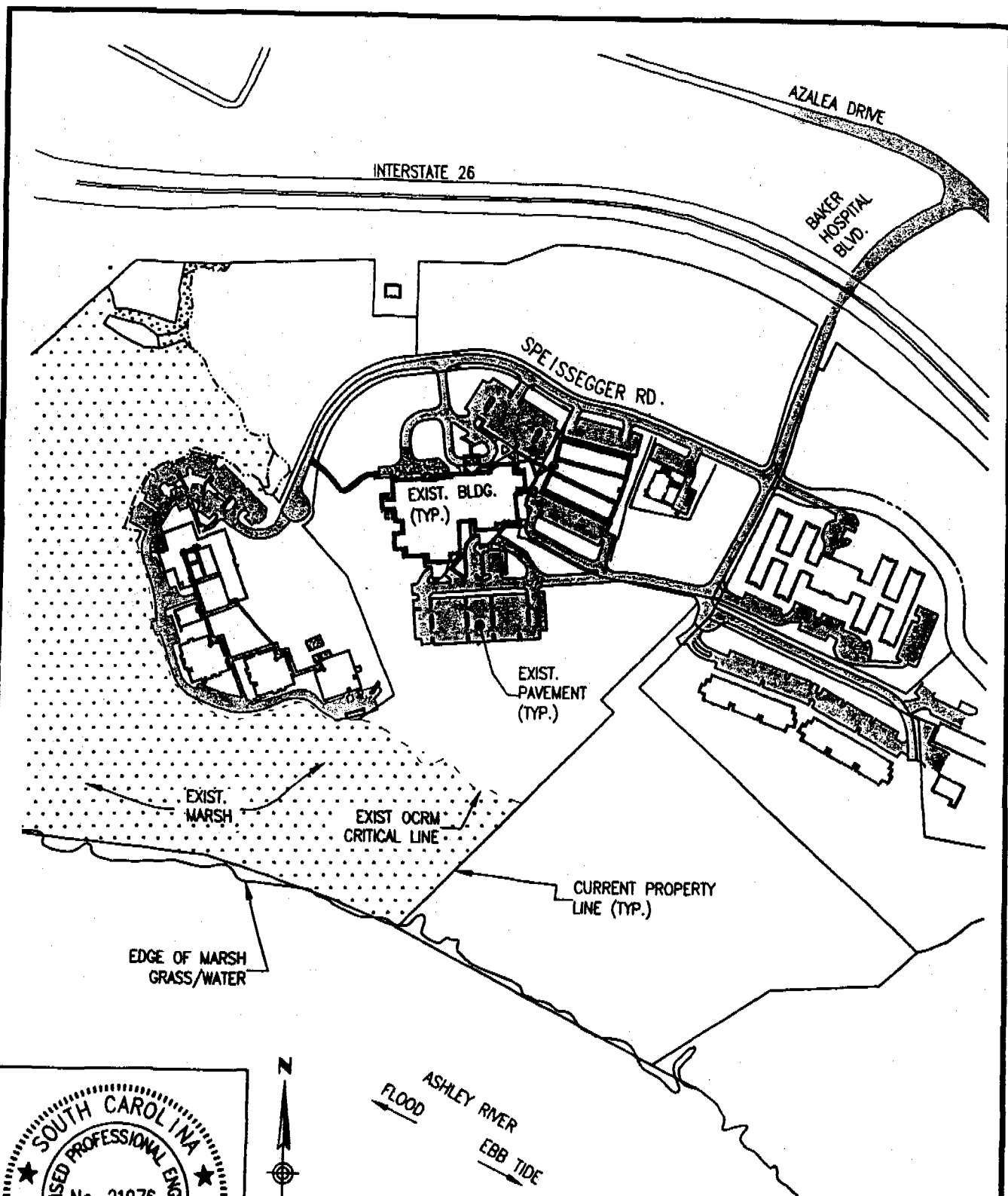
SHEET NO.
1

SKETCH BY: REID, J. R. / M. A. / R.

P.O. BOX 61000 CHARLESTON, SC 29410-1000
803-555-1000

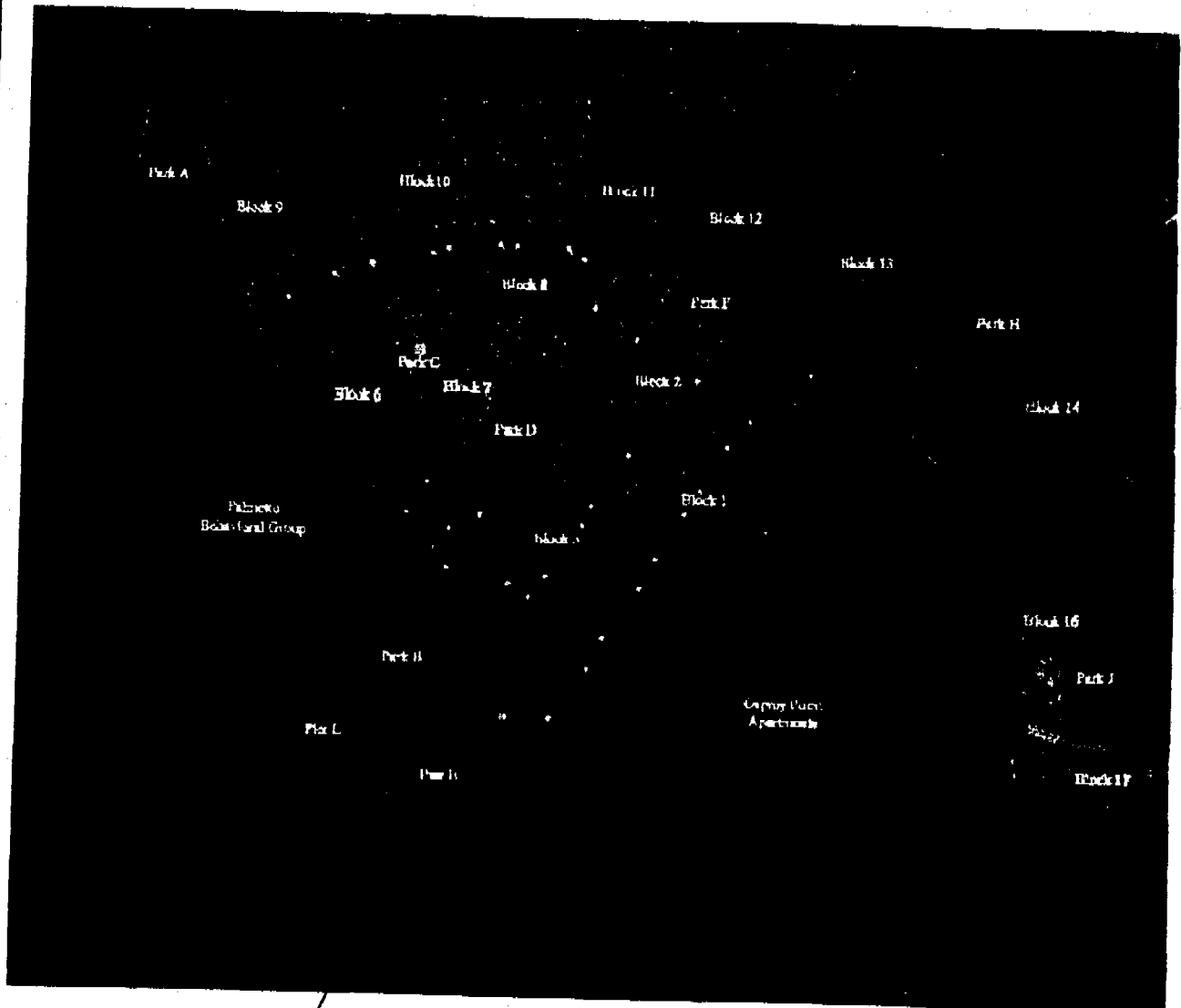
SAC 2007-01830-ZIG

Sheet 2 of 10



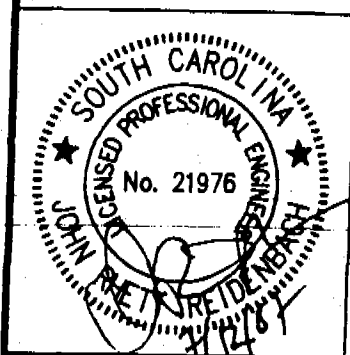
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| DAVIS FLOYD Engineering Architecture Environmental & Laboratory Services <small>MEMBERSHIP • CHARLESTON • COLEMAN</small> | <small>APPLICANT</small> MAGNOLIA DEVELOPMENT, LLC | <small>TITLE</small> ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS | <small>PROJECT NO.</small> 31213.00 |
| | <small>LOCATION</small> SPEISSEGER DR., CHARLESTON COUNTY, SC | <small>DATE</small> JULY 2007 <small>DRAWN</small> JDT/ALP <small>BY</small> PAF <small>CHECKED</small> JRR | <small>SHEET NO.</small> |
| | <small>PROJECT TITLE</small> EXISTING CONDITIONS | <small>SHEET REPRESENTS (PAGES) TOTAL</small> 1 | |
| | <small>P.O. BOX 6000 CHARLESTON, SC 29405-1000</small> <small>803-555-0000</small> | | |

SAC 2007-01830-2I



PROJECT AREA

NOTE:
PROPOSED DEVELOPMENT AND DOCK
LOCATIONS BASED ON CONCEPTUAL
RENDERING; SEE REMAINING EXHIBITS FOR
DETAILED DOCK INFORMATION



GRAPHIC SCALE



(IN FEET)

DAVIS Engineering
FLOYD Architecture
Environmental & Laboratory Services
GREENWOOD • CHARLESTON • COLOMBIA
SOUTH CAROLINA

P.O. BOX 51555 CHARLESTON, SC 29415-1555
803-555-5555

APPLICANT
MAGNOLIA DEVELOPMENT, LLC

LOCATION
SPEISSEGER DR., CHARLESTON COUNTY, SC

DRAWING TITLE
CONCEPTUAL DEVELOPMENT PLAN

TITLE
ASHLEY RIVER CENTER
PROPOSED COMMUNITY DOCKS

PROJECT NO.
31213.00

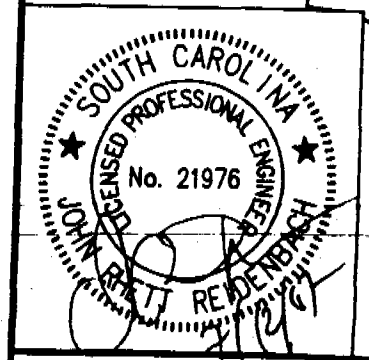
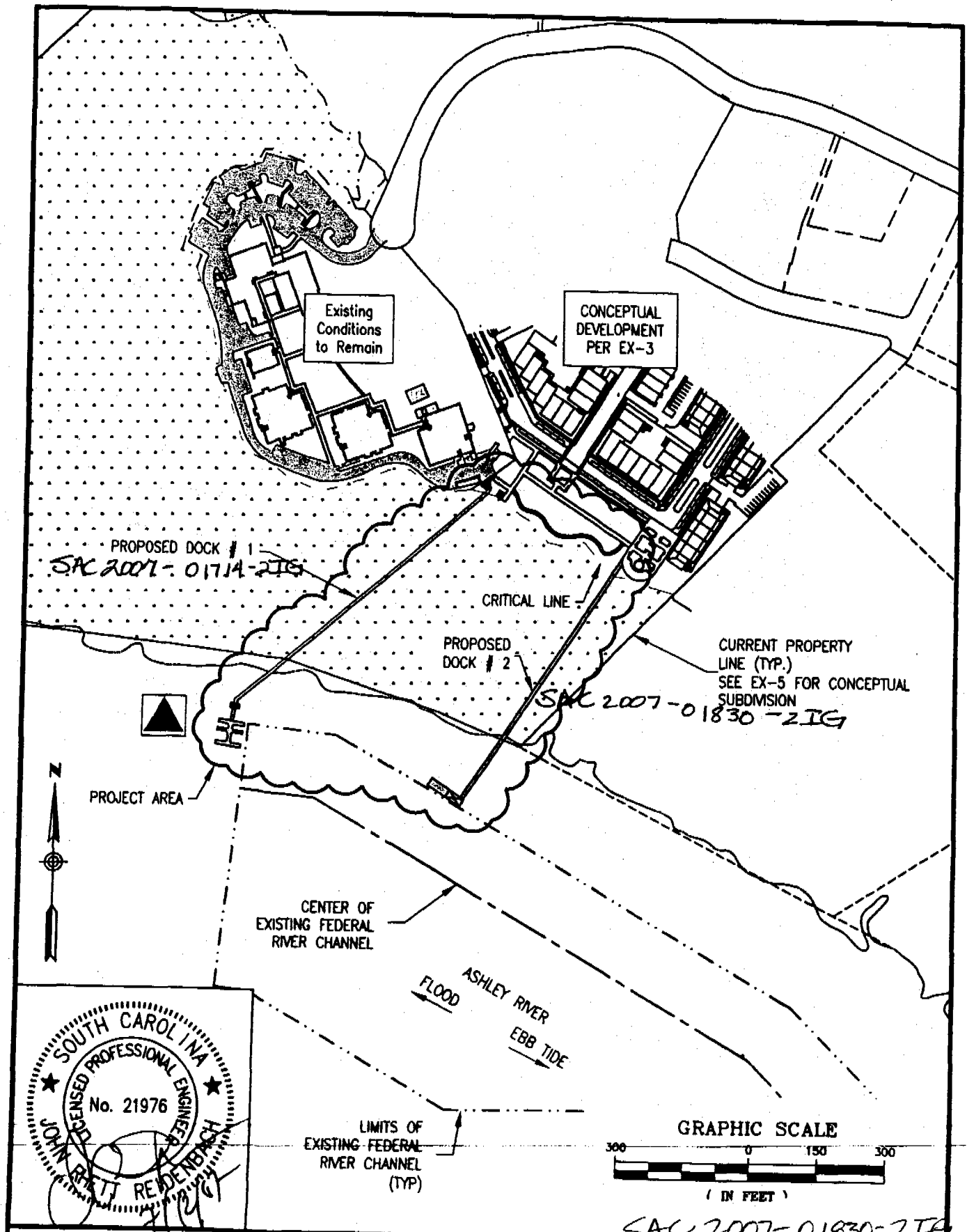
DATE
JULY 2007
DRAWN
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JDT/ALP
JRR

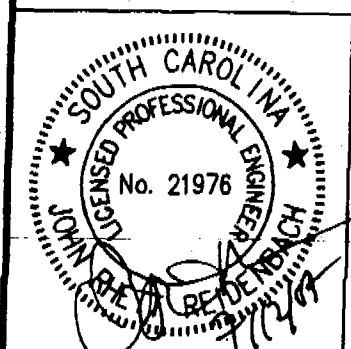
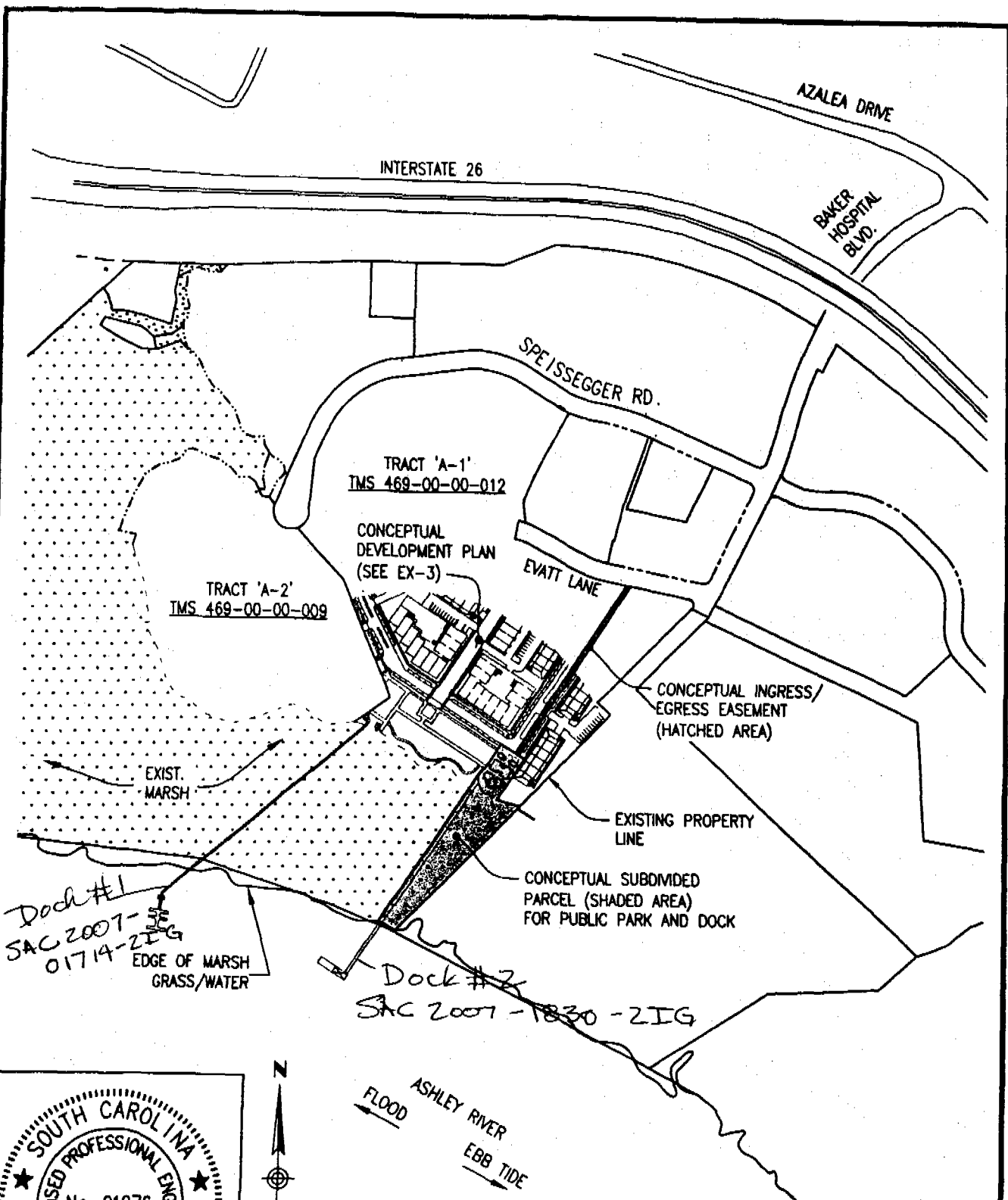
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4

SEE EXHIBITS FOR DETAILS

Sheet 4 of 10



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|---|---|--|-------------------------|
| DAVIS Engineering FLOYD Architecture Environmental & Laboratory Services <small>GREENWOOD • CHARLESTON • COLUMBIA</small> <small>SOUTH CAROLINA</small> <small>P.O. BOX 41000 CHARLESTON, SC 29410-1000</small> <small>803-584-0000</small> | CLIENT/OWNER MAGNOLIA DEVELOPMENT, LLC | TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS | PROJECT NO. 31213.00 |
| | LOCATION SPEISSEGER DR., CHARLESTON COUNTY, SC | DATE JULY 2007 | DRAWN JDT/ALP |
| | DRAWING TITLE PERMIT PROJECT AREA | CHECKED PAF | SHEET NO. |
| | | CHECKED BY JRR | |



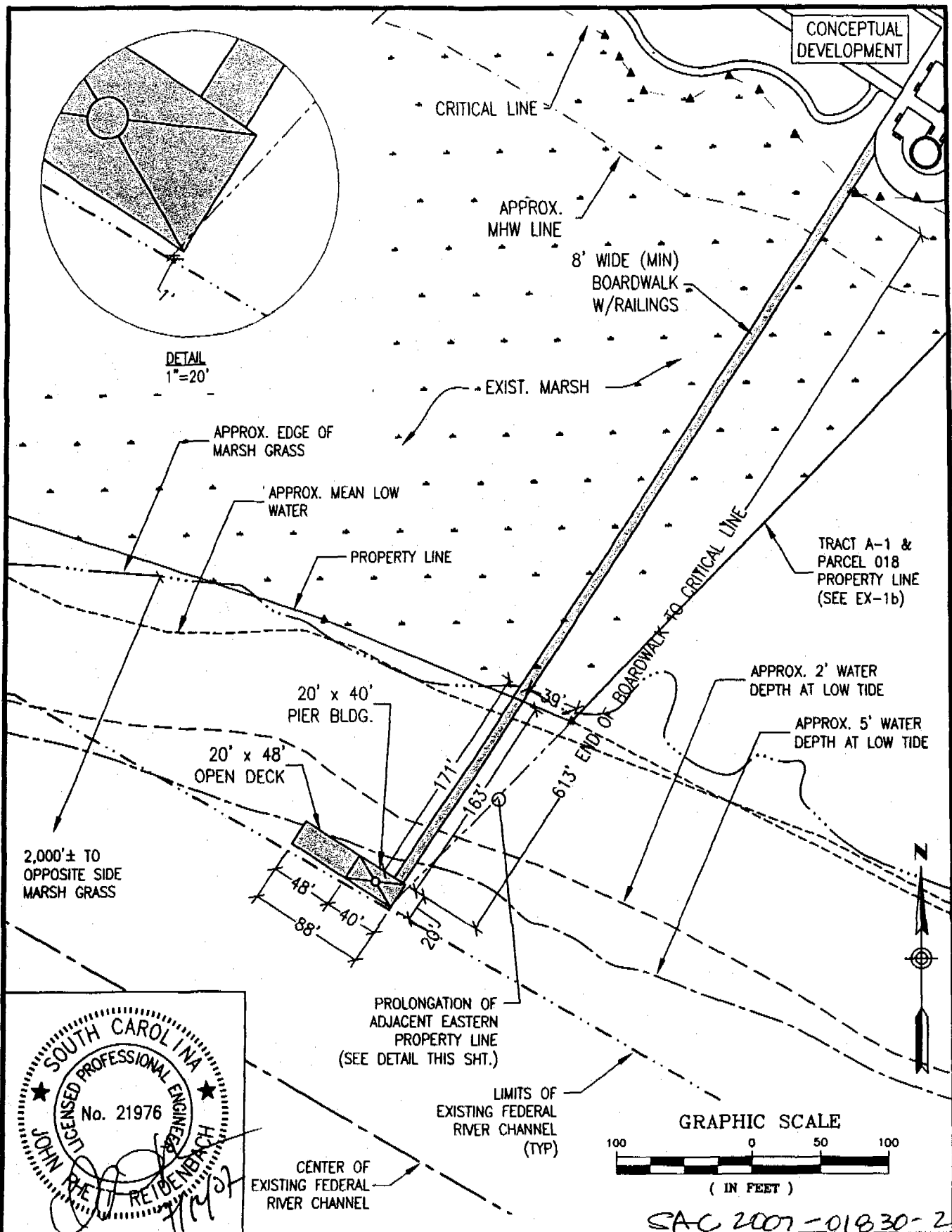
DAVIS Engineering
FLOYD Architects
 Environmental & Laboratory Services
 CHESAPEAKE • CHARLOTTE • COLUMBIA
 SOUTH CAROLINA

P.O. BOX 61000 CHARLESTON, SC 29410-1000
 803-553-0000

| | |
|---------------|--|
| APPLICANT | MAGNOLIA DEVELOPMENT, LLC |
| LOCATION | SPEISSEGGER DR., CHARLESTON COUNTY, SC |
| PROJECT TITLE | PROPERTY SUBDIVISION PLAN |

| | | | |
|------------------------------------|---|-------------|----------------|
| TITLE | ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS | PROJECT NO. | 31213.00 |
| DATE | JULY 2007 | DESIGN | JDT/ALP JRR |
| DATE | 07-09-07 | CHECK | |
| SEE TECH REFERENCE FOR PLAN NUMBER | | | |

SAC-2007-01830-2IG



DAVIS Engineering
FLOYD Architecture
 Environmental & Laboratory Services
 GREENWOOD • CHARLESTON • COLLEEN
 SOUTH CAROLINA

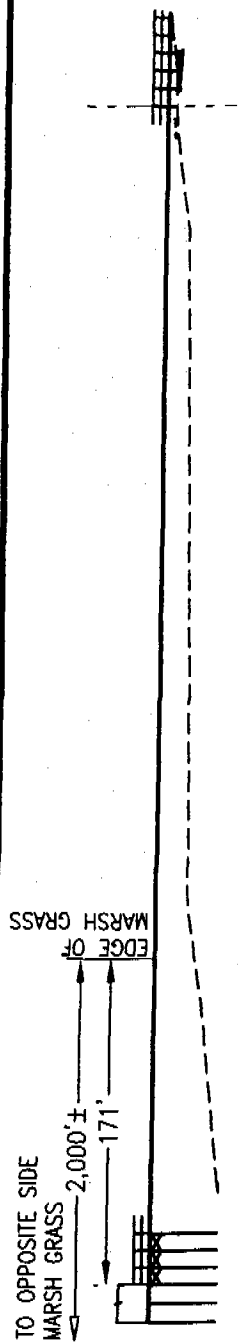
APPLICANT
 MAGNOLIA DEVELOPMENT, LLC
 LOCATION
 SPEISSEGGER DR., CHARLESTON COUNTY, SC
 DRAWING TITLE
 PLAN VIEW; PROPOSED DOCK #2

TITLE
 ASHLEY RIVER CENTER
 PROPOSED COMMUNITY DOCKS
 PROJECT NO.
 31213.00
 DATE
 JULY 2007
 DRAWN
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 7

P.O. BOX 9100 CHARLESTON, SC 29410-1000
 843-554-0000

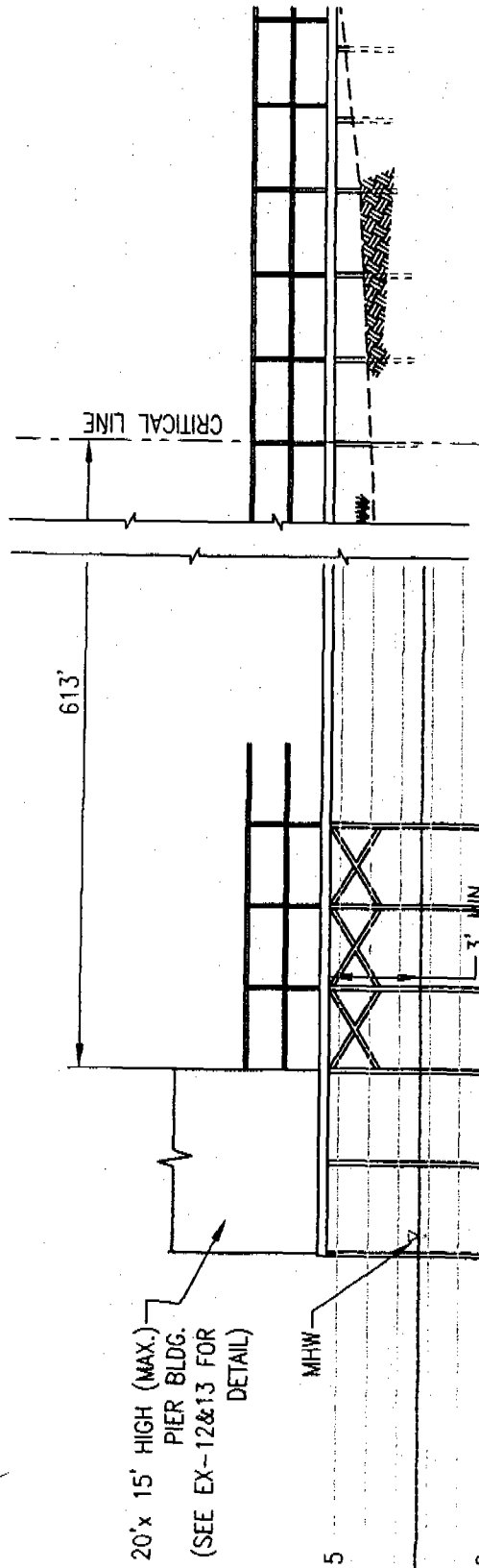
SAC 2007-01830-2 IG

Sheet 7 of 10

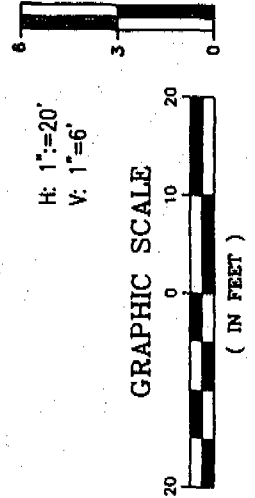


DOCK 2 OVERALL SECTION

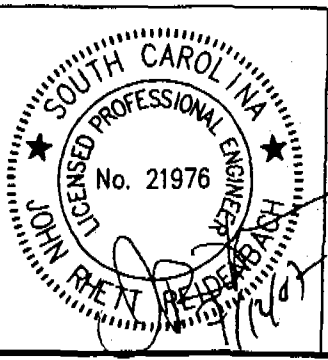
NO SCALE



NOTE: EXISTING GROUND ELEVATION
BASED ON BATHYMETRIC SURVEY
PROVIDED BY GEL ENGINEERING, LLC.



DOCK 2 RIVER SECTION



DAVIS Engineering
FLOYD Architecture
Environmental & Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA

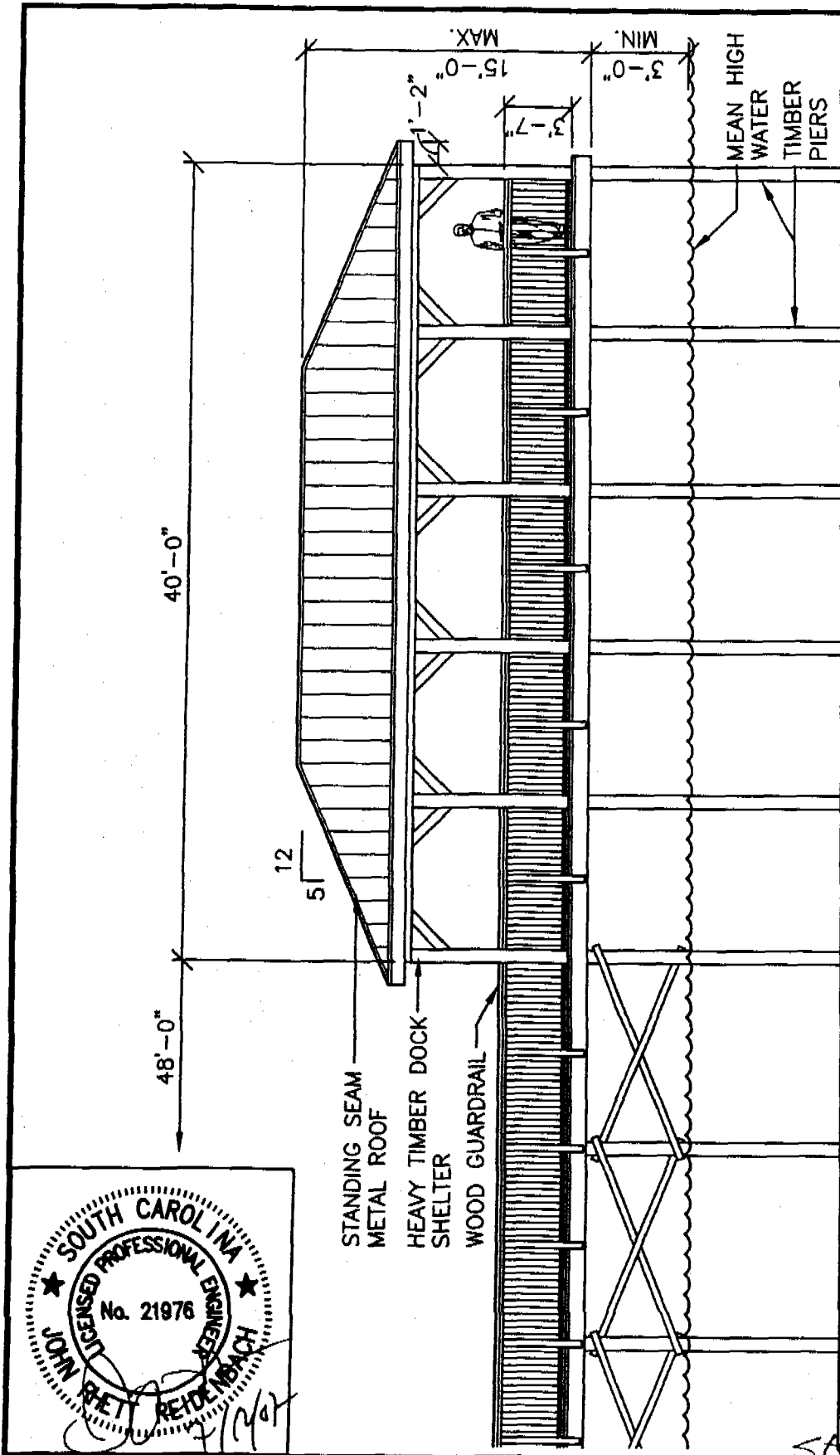
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| APPLICANT MAGNOLIA DEVELOPMENT, LLC |
| LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC |
| DRAWING TITLE PROFILE OF PROPOSED DOCK #2 |

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|--|--------------------------------|----------------|------------------------------|
| TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS | | | |
| DATE DESIGN | JULY 2007 PAF | DRAWN CHECK | JDT/ALP JRR |
| SEE FOR BEST RESULTS (2x4) (NUMBER) | | | |

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| PROJECT NO. 31213.00 |
| SHEET NO. 8 |

ELEVATION; NAVD-88 DATUM

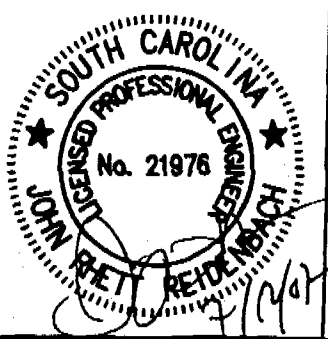
SAC-2007-01830-21G



DOCK NO. 2
NORTH ELEVATION

SCALE: 1/8" = 1'-0"

(FROM ASHLEY RIVER LOOKING TOWARDS ARC DEVELOPMENT)



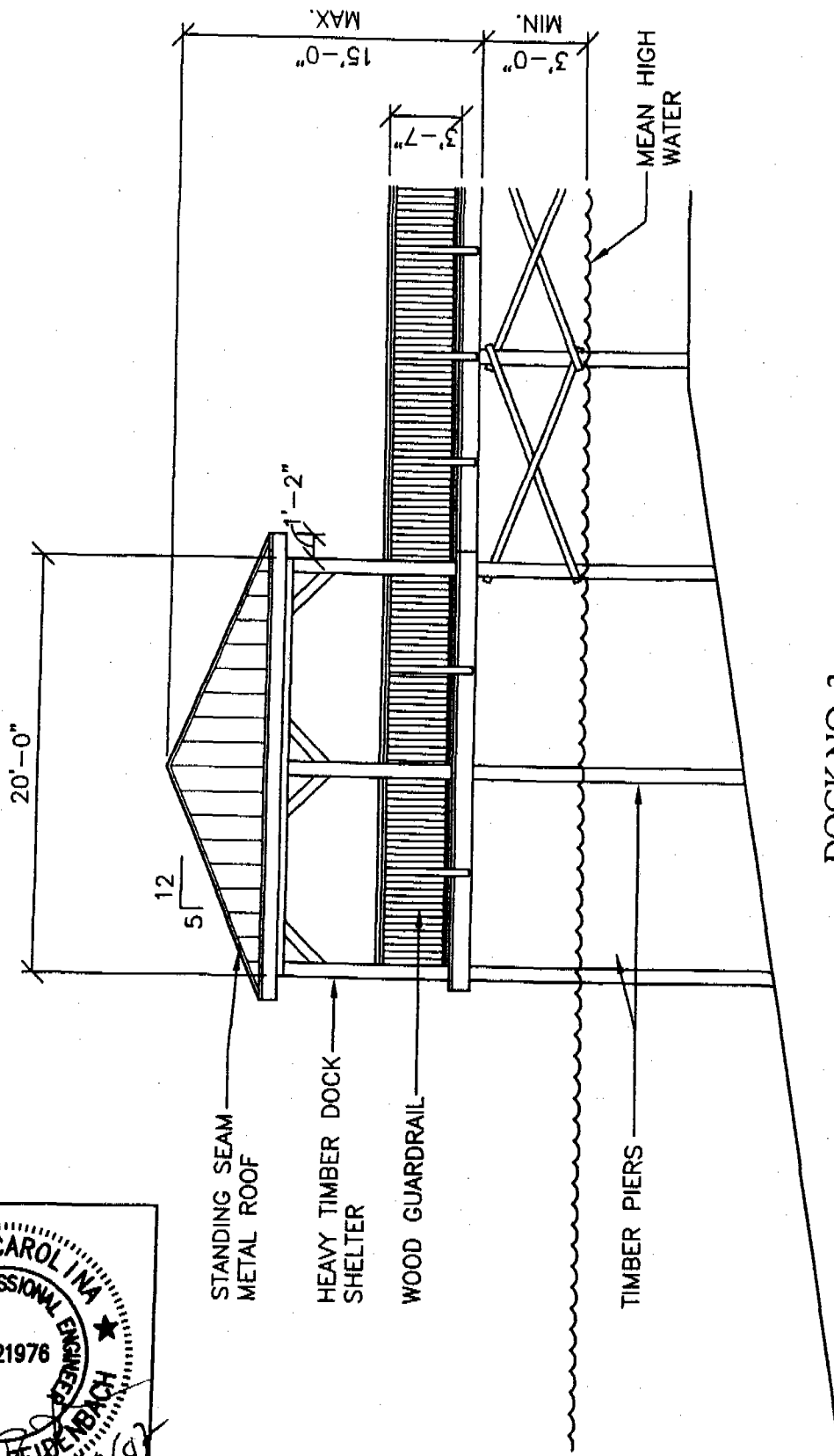
DAVIS Engineering
FLOYD Architecture
Environmental & Laboratory Services
GREENWOOD • CHARLESTON • COLUMBIA
SOUTH CAROLINA
P.O. BOX 6600 CHARLESTON, SC 29410-1000
803-554-9000

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| APPLICANT MAGNOLIA DEVELOPMENT, LLC |
| LOCATION SPEISSEGER DR., CHARLESTON COUNTY, SC |
| DRAWING TITLE ELEVATION; PROPOSED DOCK #2 |

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| TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS |
| DATE JULY 2007 |
| DESIGN PF |
| DRAWN JDT/ALP |
| CHECK JRR |
| SKETCH REFERENCES DWD NUMBER - |

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|------------------------|
| PROJECT NO 31213.00 |
| SHEET NO. 1 |

SAC-01830-216



DOCK NO. 2
WEST ELEVATION
SCALE: 1/8" = 1'-0"
(LOOKING UPSTREAM ON THE ASHLEY RIVER)



| | | | | |
|---|--|--|--|------------------------------|
| DAVIS Engineering Architecture FLOYD Environmental & Laboratory Services COLUMBIA • CHARLESTON • GOFFSTOWN SOUTH CAROLINA P.O. BOX 6400 CHARLESTON, SC 29418-1000 843-554-0928 | APPLICANT MAGNOLIA DEVELOPMENT, LLC | TITLE ASHLEY RIVER CENTER PROPOSED COMMUNITY DOCKS | | PROJECT NO 31213.00 |
| | LOCATION SPEISSEGGER DR., CHARLESTON COUNTY, SC | DATE: JULY 2007 DESIGN: PF | | DRAWN: JDT/ALP CHECK: JRR |
| | DRAWING TITLE ELEVATION; PROPOSED DOCK #2 | SKETCH REFERENCES DRAW NUMBER: - | | SHEET NO |
| | SAC - 01030 - ZIG | | | |

First Class Mailing List
For
Public Notices

Applicant

Ashley II of Charleston, LLC
Attn: Mr. Winthrop C. Allen
Magnolia, Dev. LLC
1601 Oceanic St.
Charleston, SC 29405

Adjacent Property Owners

J.C. Long
c/o Mike Macy
P.O. Box 242
Charleston, SC 29402-0242
(TMS 460-00-00-004)

Palmetto Lowcountry Behavioral Health, LLC
2777 Speissegger Drive
North Charleston, SC 29405-8229
(TMS 460-00-00-009)

Osprey Place Apartments, L.P.
373 Edwin Drive
Virginia Beach, VA 23462-4522
(TMS 469-00-00-018)

Others to be Included on First Class Mailing

Ross Nelson
Tidewater Env. Services
P.O. Box 865
John's Island, SC 29457-0865